

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

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## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### DEPARTMENT OF COMMERCE

Under authority of § 6.1 (d) of Executive Order No. 9830 (12 F. R. 1259) and with the concurrence of the Secretary of Commerce, subdivisions (xvi) (xvii), (xviii) (xix) and (xx) of § 6.4 (d) (11) are hereby revoked.

Under authority of § 6.1 (a) of Executive Order No. 9830 (12 F. R. 1259), and at the request of the Secretary of Commerce, the Commission has determined that appointments to the positions listed below, with the exceptions noted therein, should be made in the same manner as are appointments to positions under Schedule A. Subdivisions (xix) and (xx) of § 6.4 (a) (11) are deleted and subdivisions (xvi), (xvii) and (xviii) of § 6.4 (a) (11) are amended to read as follows:

§ 6.4 *Lists of positions excepted from the competitive service—(a) Schedule A. \* \* \**

(11) *Department of Commerce. \* \* \**  
*Inland Waterways Corporation.* (xvi)  
All employees of the Inland Waterways Corporation except:

(a) All employees of general offices at St. Louis, Missouri; New Orleans, Louisiana; Chicago, Illinois; Birmingham, Alabama; New York, New York; Washington, D. C., but not including the President, Vice Presidents, and the Secretary-Treasurer.

(b) Division Managers, District Managers, District Superintendents, Superintendents of Maintenance and their staffs.

(xvii) All members of the Advisory Board.

(xviii) All positions under the Warrior River Terminal Company.

This amendment will become effective upon publication in the FEDERAL REGISTER.

(Secs. 6.1 (a) and (d), E. O. 9830, Feb. 24, 1947, 12 F. R. 1259)

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,  
H. B. MITCHELL,  
President.

[F. R. Doc. 47-5732; Filed, June 17, 1947; 8:48 a. m.]

## TITLE 7—AGRICULTURE

### Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q.—Q. 41, Amdt. 1]

#### PART 319—FOREIGN QUARANTINE NOTICES MODIFICATION OF REGULATIONS OF EUROPEAN CORN BORER

No living European corn borer larvae have been found in-clean, shelled corn shipped from Canada during the past 20 years. Compliance with the requirement that such clean, shelled corn shall be inspected by an authorized official of the Canadian Department of Agriculture at time of shipment and certified by him as free from infestation is considered to be no longer necessary. This amendment of the regulations removes that requirement from the regulations supplemental to the Quarantine.

Pursuant to the authority vested in the Secretary of Agriculture by section 5 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 159), the regulations (7 CFR 319.41-1 through 319.41-6) supplemental to Notice of Quarantine No. 41 (second revision), 7 CFR 319.41, on account of the European corn borer and other dangerous insects and plant diseases, issued under said act, are hereby amended by striking the provision thereof appearing in 7 CFR 319.41-5 (d) requiring that shelled corn imported into the United States from Canada be accompanied by a Canadian inspection certificate.

This amendment shall become effective on July 15, 1947.

Issued this 12th day of June 1947.

(Sec. 5, 37 Stat. 316; 7 U. S. C. 159)

[SEAL] CLINTON P. ANDERSON,  
Secretary of Agriculture.

[F. R. Doc. 47-5732; Filed, June 17, 1947; 8:48 a. m.]

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to the

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<sup>1</sup> See Title 5, Part 6.

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**TITLE 14—CIVIL AVIATION****Chapter I—Civil Aeronautics Board**

[Civil Air Regs., Amdt. 04b-5]

**PART 04b—AIRPLANE AIRWORTHINESS REGULATIONS EFFECTIVE ON NOVEMBER 9, 1945****BRAKED ROLL, RETRACTING MECHANISM, MANEUVERING LOADS, AND EMERGENCY LANDING CONDITIONS**

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of June 1947.

Some of the following changes have for their purpose the clarification, and others the relaxation, of certain presently effective provisions of Part 04b. They pertain to maneuvering loads, braked roll, emergency landing conditions, and retracting mechanism.

The changes are the result of experience gained since initial adoption of Part 04b which shows that these modifications will lessen the burden upon the manufacturers without affecting the overall level of safety required for this category of aircraft.

The adoption of these amendments with an immediate effective date is required in the public interest.

Effective June 10, 1947, Part 04b of the Civil Air Regulations is amended as follows:

1. By amending the first sentence of § 04b.21410 *Maneuvering loads*, to read as follows:

§ 04b.21410 *Maneuvering loads*. At all speeds from  $V_{mc}$  to  $V_p$  the following vertical tail loads shall be considered:

2. By amending § 04b.243 *Taxi and ground handling cases* to read as follows:

§ 04b.243 *Taxiing conditions*. The landing gear and airplane structure shall be investigated for the following conditions in which the airplane shall be assumed at the design take-off weight unless otherwise specified. No wing lift shall be considered.

3. By amending the second sentence of § 04b.2431 (a) to read as follows: "The limit vertical load factor shall be 1.2 for the airplane at design landing weight and 1.0 for the airplane at design take-off weight."

4. By amending the first sentence of § 04b.2431 (b) to read as follows:

§ 04b.2431 *Braked roll*. \* \* \*

(b) *Nose wheel type*. The limit vertical load factor shall be 1.2 for the airplane at design landing weight and 1.0 for the airplane at design take-off weight.

5. By amending § 04b.260 *General*, by deleting the words "all combinations of" from the second paragraph.

6. By amending the third sentence of § 04b.362 *Retracting mechanism*, to read as follows: "The landing gear, retracting mechanism, and airplane structure, including wheel well doors, shall be designed to withstand the flight loads occurring with the landing gear in the extended position at any speed up to 0.67 $V_c$  unless other means are provided to decelerate the airplane in flight at this speed."

7. By amending § 04b.620 (a) *Airspeed limitation*, by adding the following sentence at the end of the paragraph: "The explanation of the maneuvering speed shall include a statement to the effect that maneuvers involving an approach to a stall, or full application of rudder or alleron controls, should be confined to speeds below this value."

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 47-5735; Filed, June 17, 1947;  
8:43 a. m.]

[Amdt. 40-1, Civil Air Regs.]

**PART 40—AIR CARRIER OPERATING CERTIFICATION****ELIMINATION OF CERTAIN AIR CARRIER PROVING FLIGHTS**

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of June 1947.

Scheduled air carriers are presently required to conduct a proving flight over a proposed route even though it is a minor modification or extension of an existing route already flown by the air carrier. Under certain conditions the safety of the proposed operation is not advanced by such a proving flight and, where this is true, an undue burden is placed upon the air carrier. It appears that the public interest will best be served if a proving flight is not required where it is unnecessary in the interest of safety.

The purpose of this amendment is to authorize the Administrator of Civil Aeronautics to omit the requirement of certain air carrier proving flights where he finds they are not essential to safety.

Now, therefore, effective July 10, 1947, § 40.291 of the Civil Air Regulations is amended by adding the following clause at the end of the last sentence thereof: "unless the Administrator after investigation expressly finds (a) that the proposed route modification is minor and (b) that an actual flight is not essential to safety."

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 47-5736; Filed, June 17, 1947;  
8:48 a. m.]

**TITLE 24—HOUSING CREDIT****Chapter VIII—Office of Housing Expediter****PART 851—ORGANIZATION DESCRIPTION INCLUDING DELEGATIONS OF FINAL AUTHORITY****DESIGNATION OF ACTING HOUSING EXPEDITER**

§ 851.22 *Designation of Acting Housing Expediter*. Robert E. Johnson is hereby designated to act as Housing Ex-

pediter during my absence on June 13, 1947, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Veterans' Emergency Housing Act of 1943, or any other act of Congress or Executive order, and all such powers, duties, and rights are hereby delegated to such officer for such period. (60 Stat. 237, 50 U. S. C. App. Sup. 1821)

Issued this 12th day of June 1947.

FRANK R. CREEDON,  
Housing Expediter.

[F. R. Doc. 47-5730; Filed, June 17, 1947;  
8:47 a. m.]

**TITLE 32—NATIONAL DEFENSE****Chapter VIII—Sugar Rationing Administration, Department of Agriculture****PART 705—ADMINISTRATION**

[Rev. Gen. RO 5; Amdt. 23]

**SUGAR RATIONING FOR INSTITUTIONAL USERS**

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised General Ration Order 5 is amended in the following respects:

1. Section 9.1 is amended by adding a new paragraph (f) to read as follows:

(f) On and after June 9, 1947, an institutional user to whom a check for the amount of his allotment has been issued by the Sugar Rationing Administration and who wishes to exchange such check for checks in smaller denomination, may do so in accordance with the provisions of section 26.6 of Third Revised Ration Order 3.

2. Section 9.3 is deleted.

3. Section 9.5 (a) is amended to read as follows:

(a) On and after June 9, 1947, checks shall be issued by the Sugar Rationing Administration to all institutional users who are entitled to an allotment under the provisions of this order.

4. Section 10.3 is amended to read as follows:

Sec. 10.3 *A Group I seasonal user may obtain a check in certain cases*. (a) A Group I institutional user is a seasonal user with respect to an establishment which is not in operation during every month of the year.

(b) A Group I seasonal user who must get sugar before the persons who will eat at his establishment will arrive, may apply for evidences for sugar to be used until he can obtain such sugar with the ration books of those persons. If, because of transportation difficulties or unusually long distances from markets, the applicant finds it a hardship to acquire a supply of sugar as each successive stamp in the ration books becomes valid, he may include in his application a request for ration evidences covering a longer period.

\*11 F. R. 116.

(c) Application must be made to the Sugar Branch Office on OPA Form R-1335 and the applicant must give all of the information required by the form.

(d) The Sugar Branch Office may authorize the issuance of a check for sugar in an amount computed by multiplying the non-baking allowance per person by the number of meals which it determines will be served during the period for which such check is required.

(e) An institutional user who has received a check under this section must give up to the Sugar Branch stamps equal to the amount of the check issued to him. Only stamps taken from the ration books of the individuals eating at his establishment must be given up. He must give them up within sixty (60) days after receiving the stamps. However, the Sugar Branch Office may, for good cause, give him additional time.

(f) An institutional user who obtains an allotment pursuant to Article XXV of this order may not receive a check under this section for the same purpose.

5. Article XVI is amended to read as follows:

**ARTICLE XVI—TERMINATION OF RATION BANKING**

**SEC. 16.1** *An institutional user may not open a ration bank account.* (a) On and after June 9, 1947, an institutional user may not open, transfer or reopen a ration bank account.

**SEC. 16.2** *Closing of ration bank accounts.* (a) On and after June 9, 1947, an institutional user who has a ration bank account may not make any deposits in such account and such accounts must be closed out in accordance with the provisions of Article XXVI of Third Revised Ration Order 3.

**SEC. 16.3** *Transfer and use of evidences.* (a) On and after June 9, 1947, an institutional user may use and transfer ration evidences in accordance with the provisions of Article XXVI of Third Revised Ration Order 3.

**SEC. 16.4** *Article XXVI of Third Revised Ration Order 3 governs whenever inconsistent.* (a) If any provisions of this order are inconsistent with the provisions of Article XXVI of Third Revised Ration Order 3, Article XXVI of Third Revised Ration Order 3 governs and supersedes the provisions of this order to the extent that they are inconsistent.

This amendment shall become effective June 9, 1947.

Issued this 12th day of June, 1947.

CLINTON P. ANDERSON,  
Secretary of Agriculture.

*Rationale Accompanying Amendment No. 54 to Third Revised Ration Order 3; Amendment No. 23 to Revised General Ration Order 5*

The system of depositing sugar ration evidences in banks and drawing ration checks against these balances for the acquisition and delivery of sugar is being discontinued. This action is being taken at this time in order to reduce expenditures and in order to shorten the length of time between the transfer of evidences

and the clearance of such evidences through the rationing system. The termination of ration banking at this time is desirable because of the fact that the present statutory authorization for rationing terminates on October 31, 1947.

Closing bank accounts at this time will not present the serious difficulties which would have been encountered if bank accounts had been closed when more than one commodity was rationed. Since sugar is the only commodity now rationed, the only evidences to be handled by the trade are sugar evidences.

This amendment, therefore, provides for the termination of ration banking and the closing out of all ration bank accounts. This amendment further sets forth the procedure to be followed in transferring and accepting ration evidences after ration bank accounts have been closed.

The procedure to be followed in closing out ration bank accounts and in transferring and accepting ration evidences thereafter will be as follows:

1. No ration bank accounts will be opened or re-opened on or after June 9, 1947.

2. Retailers, industrial and institutional users may make no bank deposits after June 8, 1947. No later than June 11, 1947, every retailer, industrial and institutional user who has a ration bank account must draw a check or checks for the check-stub balance in his account and surrender such check or checks to his supplier or suppliers for the immediate or future delivery of sugar. After June 11, 1947, retailers, industrial and institutional users may transfer by endorsement all valid ration evidences they receive to their supplier for the purchase of sugar.

3. Wholesalers may make no bank deposits after June 14, 1947. No later than June 14, a wholesaler must write a check or checks for the check-stub balance in his account and surrender such check or checks to his supplier for delivery of sugar, upon request, to him. After June 14, 1947, a wholesaler may purchase sugar from his supplier by transferring to his supplier checks issued by an exempt or designated agency and checks issued to the wholesaler by the Sugar Rationing Administration. All other ration evidences received by a wholesaler (stamps, gummed sheets and Sugar Rationing Administration checks received by endorsement) must be submitted to the SRA Distribution, Verification and Issuance Center once a week. He will receive a check issued by the Sugar Rationing Administration in exchange for such valid evidences so surrendered.

4. Chain retailers (four or more retail establishments operating under a single registration) who by direct from a primary distributor must follow the same procedure as wholesalers. If the chain retailer buys from a wholesaler, he must follow the same procedure as retailers, industrial and institutional users.

5. Primary Distributors may make no bank deposits after June 19. No later than June 25, 1947 every primary distributor must write a check for his check-stub balance, have the check certified by the bank and send it to the national office of the Sugar Rationing

Administration, Washington, D. C. After June 19, a primary distributor will endorse all ration evidences he receives and send them weekly to the SRA Distribution, Verification and Issuance Center, for his area.

6. Exempt and Designated agencies will continue to issue checks as at present except that such checks will not be issued on ration bank accounts but will be treated as ration currency to be transferred by endorsement. These checks will continue to be identified as at present by typing or stamping on the back of each check issued the notation "Not valid for deposit except by a primary distributor. Transfer by endorsement only" and must be transferred by endorsement until such checks have been received by a primary distributor, who will surrender them to the D. V. I. Center.

7. After June 8, 1947, ration coupons will no longer be issued but any person who has valid ration coupons, issued prior to June 8, may continue to use such coupons for the same purpose and in the same way as coupons are now valid for use.

[F. R. Doc. 47-5787; Filed, June 16, 1947; 3:37 p. m.]

**PART 707—RATIONING OF SUGAR**

[3d RO 3, Amdt. 54]

**SUGAR**

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended by adding a new Article XXVI to read as follows:

**ARTICLE XXVI—TERMINATION OF RATION BANKING**

**SEC. 26.1** *Termination of ration banking.* (a) This article deals with the termination of ration banking, the procedure to be followed by depositors in closing out their accounts and the manner in which ration evidences may be transferred and accepted after ration bank accounts have been closed.

(b) If other provisions of this or any other ration order are inconsistent with the provisions of this article, this article governs and supersedes the provisions of this or any other ration order to the extent that they are inconsistent.

(c) On and after June 9, 1947, no person may open, transfer or reopen a ration bank account.

**SEC. 26.2** *Closing of accounts—(a) Retailers, industrial and institutional users.* (1) On and after June 9, 1947, a retailer, industrial or institutional user may not make any deposits in a ration bank account nor may such person issue any ration checks on his account except as provided in subparagraph (2)

(2) On and after June 9, 1947 but no later than June 11, 1947, each depositing retailer, industrial or institutional user shall draw a check or checks payable to his supplier or suppliers for the balance in his account less outstanding checks.

<sup>1</sup> 11 F. R. 177, 14281.

He shall surrender such check or checks to his supplier for the purpose of authorizing the supplier upon request to deliver sugar to him. After June 11, 1947, no retailer, industrial or institutional user may accept or transfer any ration check except a check issued by the Sugar Rationing Administration or a check issued by an exempt or designated agency on the back of which a notation "Not valid for deposit except by a primary distributor. Transfer by endorsement only" is typed or stamped in ink.

(b) *Wholesalers.* (1) No later than June 14, 1947, a wholesaler must deposit all evidences which he has on hand in his bank account and after June 14, 1947, he may not make any deposits in his ration bank account nor may he issue any ration checks.

(2) No later than June 14, 1947, a wholesaler shall draw a check or checks payable to his supplier or suppliers for the balance in his ration bank account less outstanding checks and shall surrender such check or checks to his supplier or suppliers for the purpose of authorizing the supplier or suppliers upon request to deliver sugar to him. After June 14, 1947, a wholesaler may not accept or transfer any ration check except a check issued by a designated or exempt agency on the back of which a notation "Not valid for deposit except by a primary distributor. Transfer by endorsement only" is typed or stamped in ink, or a check issued by the Sugar Rationing Administration.

(c) *Primary distributors.* (1) No later than June 19, 1947, a primary distributor must deposit all evidences he has on hand in his bank account and after June 19, 1947, he may not make any deposits in a ration bank account nor may he issue any ration checks, except as provided in (2) below.

(2) No later than June 25, 1947, a primary distributor shall draw a check payable to the Sugar Rationing Administration for the balance in his ration bank account, have the check certified by his bank and send it to the Washington Office of the Sugar Rationing Administration. After June 19, 1947, no primary distributor may accept any ration check except a check issued by an exempt or designated agency on the back of which a notation "Not valid for deposit except by a primary distributor. Transfer by endorsement only" is typed or stamped in ink, or a check issued by the Sugar Rationing Administration.

(d) *Exempt, designated and any other government agency authorized to maintain ration bank accounts.* (1) On and after June 9, 1947 an exempt agency and its establishments may not open or use ration bank accounts, nor may any exempt agency authorize any one or more of its activities to open or use an exempt ration bank account and on June 9, 1947 any exempt or limited account maintained by such agency or activity will be closed by the bank in which the account is maintained.

(2) On and after June 9, 1947, any designated agency authorized under the provisions of Article XIII to open and maintain ration bank accounts, and any other agency authorized under the pro-

visions of this order to open and maintain ration bank accounts, may no longer use such accounts for the purpose of making deposits or issuing checks on such accounts, and on June 9, 1947, such ration bank accounts will be closed out by the bank in which the account is maintained.

**Sec. 26.3 Checks valid for the delivery of sugar.** (a) After June 14, 1947, the only checks valid for the delivery of sugar are:

(1) Checks issued by a designated or exempt agency on the back of which a notation "Not valid for deposit except by a primary distributor. Transfer by endorsement only" is typed or stamped in ink; and

(2) Checks issued by the Sugar Rationing Administration.

**Sec. 26.4 Transfer and use of evidences—(a) Retailers, industrial or institutional users.** Every retailer, industrial or institutional user to whom stamps are surrendered by a consumer must paste the stamps on gummed sheets as required by section 6.4, fill in the information required on the face of the sheet and surrender such sheet to his supplier for the purpose of authorizing a delivery of sugar to him. Any such person who receives a gummed sheet with stamps affixed must endorse it by writing his name on the back of such sheet and must surrender such gummed sheet to his supplier for the purpose of authorizing a delivery of sugar to him. Any checks, valid for the delivery of sugar as provided by section 26.3, received by such person must also be endorsed on the back and surrendered to his supplier for the delivery of sugar.

(b) *Wholesalers.* (1) A wholesaler to whom stamps are surrendered by a consumer must paste the stamps on gummed sheets as required by section 6.4 and fill in the information required on the face of the sheet. Once a week, each wholesaler must list and transmit all such gummed sheets to which he affixed stamps, all gummed sheets with stamps affixed and all checks issued by the Sugar Rationing Administration which he receives from others to the D. V. I. Center covering his area. Before transmitting such evidences, he must endorse any gummed sheets with stamps affixed and any checks which he receives by writing his name on the back of such gummed sheets and checks. The itemized list of all such evidences must accompany the transmittal of such evidences to the D. V. I. Center. The wholesaler must keep a copy of such itemized list for his records. The D. V. I. Center will issue a check to such wholesaler in an amount equal to the weight value of the evidences surrendered, less the amount of any counterfeit or invalid evidences surrendered.

(2) After June 14, 1947, no wholesaler may transfer any stamps, gummed sheets containing stamps, or Sugar Rationing Administration checks which he receives by endorsement, for the purpose of authorizing the delivery of sugar, but must transmit all such evidences received to the D. V. I. Center covering his area, as provided in this paragraph.

(3) After June 14, 1947, a wholesaler may transfer or surrender only checks issued to him by the Sugar Rationing Administration and checks issued by an exempt or designated agency on the back of which a notation "Not valid for deposit except by a primary distributor. Transfer by endorsement only" is typed or stamped in ink, for the purpose of authorizing him to take delivery of sugar.

(c) *Primary distributors.* (1) After June 19, 1947, a primary distributor to whom stamps are surrendered by a consumer must paste the stamps on gummed sheets as required by section 6.4, fill in the information required on the face of the sheet and transmit such gummed sheets, together with any gummed sheets with stamps affixed which he receives, to the D. V. I. Center covering his area. Before transmitting any gummed sheet with stamps affixed which he receives, he must endorse the gummed sheet by writing his name on the back of such sheet.

(2) After June 19, 1947, a primary distributor must endorse each check received by him and, once a week, transmit all ration evidences received by him during that week to the D. V. I. Center covering his area. The primary distributor will continue to submit his monthly report on OPA Form R-347, as required by section 5.4, except that he need not submit a certified check with such report.

(3) After June 19, 1947, a primary distributor may not accept for the purpose of authorizing the delivery of sugar any ration check other than a check issued by an exempt or designated agency on the back of which a notation "Not valid for deposit except by a primary distributor. Transfer by endorsement only" is typed or stamped in ink or a check issued by the Sugar Rationing Administration.

(d) *Exempt Agencies.* Each exempt agency, each agency listed in section 14.8 and the Veterans' Administration shall continue to issue checks in the proper amounts to persons making deliveries of sugar to such agency as heretofore except that such checks will not be issued on ration bank accounts. Before issuing each check the agency shall type, or stamp in ink, on the back of each such check the following notation: "Not valid for deposit except by a primary distributor. Transfer by endorsement only."

(e) *Designated agencies.* A designated agency, as listed in section 13.1, shall continue to issue checks for the purpose of replacement or advance of sugar used or to be used in products acquired by such agency as provided in section 13.12, except that such checks will not be drawn on a ration bank account. A designated agency as listed in section 13.1 (a) (2) (3) and (10) may not in any period, issue checks under this order in excess of the amount that it has been authorized to issue for the purpose of advance or replacement for that period. The amount authorized to be issued for any period for the purposes of Article XIII, will be determined by agreement between such agencies or activities, and the Washington Office of the Sugar Rationing Administration.

**Sec. 26.5 Checks to be issued in place of coupons.** (a) Whenever this order authorizes the issuance of coupons as provided in sections 1.5, 1.7, 1.8 and Article IX of this order or pursuant to Revised General Ration Order 5, the Sugar Branch Office shall authorize the issuance of checks for the same amounts and for the same purposes that coupons would have been issued. Ration Coupons will no longer be issued for any purpose under the provisions of Revised General Ration Order 5 or this order.

**Sec. 26.6 Exchange of checks.** On and after June 9, 1947, if any person to whom a check has been issued by the Sugar Rationing Administration wishes to exchange it for checks in smaller denominations, he may give up such check to the D. V. I. Center covering his area and receive in exchange checks, in such denominations as he may request, the total weight value of which shall not exceed the weight value of the check surrendered. However, no more than six checks shall be issued in exchange for such check except that in the case of a multiple registration, the number of checks issued in exchange may exceed six but shall not exceed the number of establishments registered together.

**Sec. 26.7 Terms used in article.** (a) For the purposes of this article, the term "wholesaler" shall include a retailer who has four or more establishments registered together and who buys direct from a primary distributor.

(b) As used in this article, the term "D. V. I. Center" means the Distribution, Verification and Issuance Center of the Sugar Rationing Administration.

This amendment shall become effective June 9, 1947.

Issued this 12th day of June 1947.

CLINTON P. ANDERSON,  
Secretary of Agriculture.

*Rationale Accompanying Amendment No. 54 to Third Revised Ration Order 3; Amendment No. 23 to Revised General Ration Order 5*

The system of depositing sugar ration evidences in banks and drawing ration checks against these balances for the acquisition and delivery of sugar is being discontinued. This action is being taken at this time in order to reduce expenditures and in order to shorten the length of time between the transfer of evidences and the clearance of such evidences through the rationing system. The termination of ration banking at this time is desirable because of the fact that the present statutory authorization for rationing terminates on October 31, 1947.

Closing bank accounts at this time will not present the serious difficulties which would have been encountered if bank accounts had been closed when more than one commodity was rationed. Since sugar is the only commodity now rationed, the only evidences to be handled by the trade are sugar evidences.

This amendment, therefore, provides for the termination of ration banking and the closing out of all ration bank accounts. This amendment further sets forth the procedure to be followed in

transferring and accepting ration evidences after ration bank accounts have been closed.

The procedure to be followed in closing out ration bank accounts and in transferring and accepting ration evidences thereafter will be as follows:

1. No ration bank accounts will be opened or re-opened on or after June 9, 1947.

2. Retailers, industrial and institutional users may make no bank deposits after June 8, 1947. No later than June 11, 1947, every retailer, industrial and institutional user who has a ration bank account must draw a check or checks for the check-stub balance in his account and surrender such check or checks to his supplier or suppliers for the immediate or future delivery of sugar. After June 11, 1947, retailers, industrial and institutional users may transfer by endorsement all valid ration evidences they receive to their supplier for the purchase of sugar.

3. Wholesalers may make no bank deposits after June 14, 1947. No later than June 14, a wholesaler must write a check or checks for the check-stub balance in his account and surrender such check or checks to his supplier for delivery of sugar, upon request, to him. After June 14, 1947, a wholesaler may purchase sugar from his supplier by transferring to his supplier checks issued by an exempt or designated agency and checks issued to the wholesaler by the Sugar Rationing Administration. All other ration evidences received by a wholesaler (stamps, gummed sheets and Sugar Rationing Administration checks received by endorsement) must be submitted to the SRA Distribution, Verification and Issuance Center once a week. He will receive a check issued by the Sugar Rationing Administration in exchange for such valid evidences so surrendered.

4. Chain retailers (four or more retail establishments operating under a single registration) who buy direct from a primary distributor must follow the same procedure as wholesalers. If the chain retailer buys from a wholesaler, he must follow the same procedure as retailers, industrial and institutional users.

5. Primary Distributors may make no bank deposits after June 19. No later than June 25, 1947 every primary distributor must write a check for his check-stub balance, have the check certified by the bank and send it to the national office of the Sugar Rationing Administration, Washington, D. C. After June 19, a primary distributor will endorse all ration evidences he receives and send them weekly to the SRA Distribution, Verification and Issuance Center for his area.

6. Exempt and Designated agencies will continue to issue checks as at present except that such checks will not be issued on ration bank accounts but will be treated as ration currency to be transferred by endorsement. These checks will continue to be identified as at present by typing or stamping on the back of each check issued the notation "Not valid for deposit except by a primary distributor. Transfer by endorsement only" and must

be transferred by endorsement until such checks have been received by a primary distributor, who will surrender them to the D. V. I. Center.

7. After June 8, 1947, ration coupons will no longer be issued but any person who has valid ration coupons, issued prior to June 8, may continue to use such coupons for the same purpose and in the same way as coupons are now valid for use.

[F. R. Doc. 47-5786; Filed, June 16, 1947; 3:36 p. m.]

## Chapter IX—Office of Materials Distribution, Bureau of Foreign and Domestic Commerce, Department of Commerce<sup>1</sup>

[Allocations Reg. 2, as Amended June 17, 1947]

### PART 945—REGULATIONS APPLICABLE TO THE OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

#### RESTRICTED EXPORT PREFERENCE ASSISTANCE

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of certain materials and facilities for defense, for private account, and for export; and the following regulations is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 945.40 *Allocations Regulation 2—(a) Purpose.* This regulation describes the very limited scope of export preference assistance which may be granted in the future. Such assistance, when granted, will usually be in the form of authorizations for the placing of orders with certificates entitling the orders to preference. Rating symbols, such as CC, will not be issued by the Office of Materials Distribution except in the cases where RR ratings are authorized and issued under Direction '3 to this regulation to assist the Canadian Veterans' Housing Program.

The rules in this regulation and in Allocations Regulation 1 are a continuation in simplified form, for the purposes of the OMD, of rules contained in the former CPA Priorities Regulation 1 and certain other CPA regulations transferred to the Housing Expediter on April 1, 1947, as explained in Allocations Regulation 1. This regulation also continues, on a limited basis, certain provisions of former CPA Priorities Regulation 28 relating to exports.

The issuance of authorizations to place certified export orders will in general be limited to assisting the procurement in this country of minimum quantities of materials or facilities required to expand the production in foreign countries of materials critically needed in this country, and other exceptional cases where necessary to meet international commitments.

For the purpose of this regulation, "certified order" means a purchase or do-

<sup>1</sup> Formerly Office of Temporary Controls, Civilian Production Administration.

livery order which is certified by the purchaser by use of the standard form of export preference certificate described in paragraph (h) (7) below, or by use of any other certificate authorized and entitled to preference under another OMD order, regulation or direction for export purposes.

(b) *Exceptional cases when certified export orders may be authorized.* (1) If all the conditions of paragraph (b) (2) below are met, authorizations to place orders with an export preference certificate may be granted to permit the placing and filling of certified orders for procurement in this country of the minimum quantities of materials or facilities required either:

(i) To expand the production in foreign countries of materials critically needed in the United States; or

(ii) to meet international commitments, and certified by the Secretaries of State and Commerce as necessary for that purpose.

(2) When effective assistance of other kinds is not practicable (OMD may locate sources able to ship without preferential aid) an authorization to use an export preference certificate may be granted for specific items and quantities of materials in the limited classes of cases described in paragraph (b) (1) above, upon determination in each instance that all the following conditions are met:

(i) The use of substitute and less scarce materials is not practicable;

(ii) Reasonable efforts have been made to get the required item without assistance; and

(iii) Preference assistance is required to obtain the item by the latest date and in the minimum quantity practicable, after taking into consideration material already acquired and material available without assistance.

(c) *How to apply for an authorization to use an export preference certificate.* Application for an OMD authorization to use an export preference certificate for all destinations except Canada should be made by letter in quadruplicate, addressed to the Office of Materials Distribution, Department of Commerce, Washington 25, D. C. Ref. AR-2. Application for such a certificate for Canadian destinations should be made directly to the Office of Materials Distribution, Department of Commerce, Washington 25, D. C. Ref. AR-2, also by letter in quadruplicate (except applications related to the Canadian Veterans' Housing Program, which must be made under Direction 3 to this regulation). Such applications should give the following information:

(1) Exact nature of applicant's business, i. e., manufacturing farm equipment, steel mill, etc.

(2) Exact description of the item for which assistance is required, stating (a) for materials the kind, quantity and unit of measure or (b) for equipment, the make, model, size, type, capacity, etc.

(3) The country of export destination, and the exact use to be made in that country of the item to be exported.

(4) Name of supplier and his present delivery promises, and his reasons for not promising satisfactory delivery dates. (Give the number and date of your purchase order.)

(5) Efforts made to obtain suitable substitutes or reasons why substitutes cannot be used.

(6) A full statement of the importance of making the export at this time from the standpoint of the interests of the United States.

(d) *How applications are granted.* If the application is granted, OMD will issue a written authorization to the applicant authorizing him to use an export preference certificate. He may then use the certificate described in paragraph (h) (7) below.

(e) *Expiration of ratings and certificates for export: re-validation—(1) Expiration of priorities assistance for export issued before April 1, 1947.* All preference ratings assigned before April 1, 1947 by the Civilian Production Administration for materials to be exported expired on or before that date; and all certificates used on certified orders for materials for export which were required to be treated as rated orders under other CPA orders, regulations, or directions issued before April 1, 1947, also expired on or before that date, except those for tinplate continued in effect under Direction 1 to this regulation. In some instances, authorizations for the use of export preference certificates have been issued to continue the assistance.

(2) *When and how expiring export ratings or certificates may be replaced.* A person entitled to use a preference rating or a certificate entitled to be treated as a rated order for materials to be exported (including Canadian destinations) which expired on April 1, 1947, may apply to OMD for an authorization to use an export preference certificate if he can meet the conditions stated in paragraph (b) above.

If a new authorization is granted, it may be used by forwarding his supplier the export preference certificate described in paragraph (h) (7) below, signed in accordance with Allocations Regulation 1, together with any additional information needed to enable the person receiving it to know exactly the items to which it applies, the original purchase order referred to (if already placed) and the old rating or certificate.

(f) *Rules for acceptance and rejection of certified orders.* Every certified order must be accepted and filled regardless of existing contracts and orders except in the following cases:

(1) A person must not accept a certified order for delivery on a date which would interfere with delivery on other certified or rated orders which he has already accepted, or if delivery of the material ordered would interfere with delivery on an order which the Office of Materials Distribution or the Housing Expediter has directed him to fill for that material or for a product which he makes out of it.

(2) A person must not accept a certified order for delivery on a date which can be met only by using material which was specifically produced for delivery on another certified order, and which is completed or is in production and scheduled for completion within 15 days.

(3) If a person, when receiving a certified order bearing a specific delivery date, does not expect to be able to fill it by the time requested, he must not accept it for delivery at that time. He must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date. He may adopt either of these two courses, depending on his understanding of which his customer would prefer.

(4) A certified order need not be (but may be) accepted in the following cases, but there must be no discrimination in such cases against certified orders, or between certified orders of different customers:

(i) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment (when a person authorized to place a certified order asks a supplier to quote his regularly established prices and terms of sale or payment or the earliest date on which he could make delivery on the certified order, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and state that it is not binding. However, the supplier need not quote if he is not required to accept the certified order and knows that he will not do so if he receives it. Any quotation as to delivery date to a person whose order has not been received will be subject to the effect on the supplier's deliveries of certified orders received by him after making the quotation and before he receives the firm order from the person making the inquiry).

(ii) If the order is for the manufacture of a product or the performance of a service of a kind which the person to whom the order is offered has not usually made or performed, and in addition if either (a) he cannot fill the order without substantially altering or adding to his facilities or (b) the order can readily be performed by someone else who has usually accepted and performed such orders.

(iii) If the order is for material which the person to whom the order is offered produces or acquires for his own use only, and he has not filled any orders for that material within the past two years. If he has, but the certified order would take more than the excess over his own needs, he may not reject the certified order unless filling it would interfere with other certified orders already on hand, or orders which the Office of Materials Distribution has directed him to fill, for the material or for a product which he makes out of it.

(iv) If filling the order would stop or interrupt his production or operations during the next 40 days in a way which would cause a substantial loss of total production or a substantial delay in operations.

(5) Any person who fails or refuses to accept an order bearing a certificate provided for under this regulation shall, upon written request of the person placing the order, promptly give his reasons in writing for his failure or refusal.

(6) Some orders or directions of the Office of Materials Distribution provide special rules as to the acceptance and rejection of orders for particular materials. In such cases, the rules stated above in this section are inapplicable to the extent that they are inconsistent with the applicable order or direction of the Office of Materials Distribution. In addition, the Office of Materials Distribution may specifically direct a person in writing to fill a particular purchase order or orders. In such cases he must do so without regard to any of the above rules in this paragraph (f) except that he may insist upon compliance with regularly established prices and terms of payment.

(7) Certificates not effective for Government-owned surplus property. The above rules in this paragraph (f) for the acceptance and rejection of certified orders, and in paragraph (i) below for the sequence of filling certified orders, do not apply to sales of surplus material by Government agencies. The certificates on certified orders have no effect either by way of obliging a Government agency to sell surplus property or by way of determining as among several buyers who shall get the surplus property.

(g) Report to Office of Materials Distribution of improperly rejected orders. When a certified order is rejected in violation of this regulation, the person who wants to place it may file a report of the relevant facts with the Office of Materials Distribution which will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

(h) Description of certificates and how they are used—(1) How authorized. The standard export preference certificate provided for under this regulation is described in (h) (7) below. Other orders or directions of the Office of Materials Distribution may also permit the use of other special forms of certificates entitled to preference, such as that for the use of the symbol CXS on certain orders for tinplate, described in Direction 1 to this regulation. The standard certificate, described below and certificates entitled to preference under any other Office of Materials Distribution order or direction are of equal value and precedence. Authorizations to use the standard export preference certificate will be issued under the conditions described in this regulation. The use of other certificates will be authorized under the conditions stated in the Office of Materials Distribution order or direction under which they are issued, which may provide that they shall be treated as export preference certificates.

(2) Materials or facilities obtainable with certificates. A person authorized to use a certified order may use the certificates only to get the quantities and kinds of materials or services authorized, as

provided in § 945.18 of Allocations Regulation 1.

(3) How to use a certificate. The certificate with a certified order must be filled in, signed and delivered to the supplier in accordance with the rules stated in Allocations Regulation 1, and with any special rules which may be stated in any other OMD order or direction permitting the use of any special form of certificate other than the standard export preference certificate.

(4) Certificates not extendible. A person receiving a certified order may not extend the certificate to any of his suppliers. If he is unable to fill the certified order without using a certificate to get some of the materials which he will need for that purpose, he may apply to OMD for an authorization to use a certificate for that purpose in accordance with this regulation.

(5) Relation of certificates to preference ratings. The certificate on a certified order, and RR (or CC) preference ratings assigned by CPA before April 1, 1947, and an RR rating assigned at any time by the Housing Expediter or by the Office of Materials Distribution, are equal in precedence, unless otherwise directed in writing by the Office of Materials Distribution.

(6) Time limit on certificates. An authorization to use an export preference certificate, or other certificate permitted under another OMD order or direction for export purposes and entitled to preference, expires if not used on an order accepted by a supplier within 6 months of the date the use of the certificate was authorized. If the holder of an authorization to use an export preference certificate has been unable to use it before its expiration, he may apply to OMD for renewal. However, if the purpose for which use of the certificate was authorized should no longer exist, the certificate may not be used even though the time limit stated above has not elapsed.

(7) Form of standard export preference certificate. The standard export preference certificate must be in substantially the following form:

#### EXPORT PREFERENCE CERTIFICATE

The undersigned certifies to the seller and to the OMD, subject to the criminal penalties of section 35 (a) of the U. S. Criminal Code, that he is authorized to use this certificate for the materials described, in accordance with OMD Allocations Regulation 2. My authorization number is ---- (insert the OMD authorization number).

(If the above certification has been used in accordance with this regulation before its amendment, containing reference to "CPA" instead of "OMD" its validity is not affected and the purchase order need not be recertified to make this change.)

(8) Report to Office of Materials Distribution of improper delay of orders. When delivery or performance of a certified order is unreasonable or improperly delayed, the customer may file a report of the relevant facts with the Office of Materials Distribution which will take such action as it considers appropriate after requiring an explanation

from the person with whom the order is placed.

(i) Sequence of filling certified orders. (1) Every person who has certified orders on hand must schedule his operations, if possible, so as to fill each certified order by the required delivery or performance date (determined as explained in paragraph (j) below). If this is not possible for any reason, he must give precedence to all certified over uncertified orders.

(2) As between conflicting certified orders, precedence must be given to the order which was received first with the certificate. As between conflicting certified orders received on the same date, precedence must be given to the order which has the earlier required delivery or performance date.

(3) If a certified order or the certificate applicable to an order is cancelled when the supplier has materials in production to fill it, he need not immediately stop to put other certified orders into production if doing so would cause a substantial loss of total production. He may continue to process that material which he had put into production for the cancelled order to a stage of completion which would avoid a substantial loss of total production, but he may not incorporate any material which he needs to fill any certified order on hand. He may not, however, delay putting other certified orders into production for more than 15 days.

(j) Delivery or performance dates. (1) Every certified order must specify delivery or performance on a particular date or dates or within specified periods of not more than 31 days each, which in no case may be earlier than required by the person placing the order. Any order which fails to comply with this rule must be treated as an uncertified order. The words "immediately" or "as soon as possible" or other words to that effect, are not sufficient for this purpose.

(2) The required delivery or performance date, for purposes of determining the sequence of deliveries or performance pursuant to paragraph (i), shall be the date on which delivery or performance is actually required. The person with whom the order is placed may assume that the required delivery or performance date is the date specified in the order or contract unless he knows either (1) that the date so specified was earlier than required at the time the order was placed, or (2) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. A delay in the scheduled receipt of any other material which the person placing the order requires prior to or concurrently with the material ordered, shall be deemed a change of circumstances within the meaning of the foregoing sentence.

(3) If, after accepting a certified order which specifies the time of delivery, the person with whom it is placed finds that he cannot fill it on time or within 15 days following the specified time, for any reason, he must promptly notify the customer, telling him approximately when he expected to be able to fill the order. Inability to fill the order on time or within fifteen days following

the specified time does not authorize a supplier to cancel the order.

(k) The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 2 (a) 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Pub. Laws 270 and 475, 79th Cong., Pub. Law 388, 79th Cong., Pub. Laws 24 and 29, 80th Cong., E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; E. O. 9809, 11 F. R. 14281; E. O. 9841, 12 F. R. 2645; Materials Control Reg. 1, May 2, 1947, 12 F. R. 2995; Office of Materials Distribution Reg. 1, May 2, 1947, 12 F. R. 2996.

Issued this 17th day of June 1947.

OFFICE OF MATERIALS  
DISTRIBUTION,  
By J. JOSEPH WHELAN,  
Issuance Officer

[F. R. Doc. 47-5813; Filed, June 17, 1947;  
11:40 a. m.]

#### [Allocations Reg. 2, Direction 3]

#### PART 945—REGULATIONS APPLICABLE TO THE OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

#### PRIORITIES ASSISTANCE FOR THE CANADIAN HOUSING PROGRAM

The following direction is issued pursuant to Allocations Regulation 2:

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of certain building materials and in the supplies of certain materials and facilities suitable for the manufacture of building materials, for defense, for private account and for export; and the following direction is deemed necessary and appropriate in the public interest and to promote the national defense.

(a) *Explanation.* Materials to aid the Canadian Veterans' Housing Program, obtained with priorities assistance assigned insofar as practicable under the same conditions and to the same extent that such assistance is being assigned to support the Veterans' Emergency Housing Program in the United States, have been certified by the Secretaries of State and Commerce as necessary to meet an international commitment.

In order to afford priorities assistance for such purpose, the Office of Materials Distribution may assign RR preference ratings for required materials. However, these RR ratings will be assigned by the Office of Materials Distribution for the Canadian Veterans' Housing Program only under the same conditions, and to the same extent that, and only so long as ratings are being assigned by the Housing Expediter for the Veterans' Emergency Housing Program. The ratings so assigned by the Office of Materials Distribution will not be continued in effect any longer than those assigned by the Housing Expediter.

This direction explains how to apply for an RR rating for materials required to assist the Canadian Veterans' Housing Program, and when such ratings may be granted. It also gives all ratings assigned in this way the same force and effect as RR ratings assigned by the Housing Expediter, and provides a form of certification for using the RR ratings authorized under this direction for the Canadian Veterans' Housing Program.

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(b) *When ratings may be granted.* RR preference ratings for materials to assist the Canadian Veterans' Housing Program will be authorized by the Office of Materials Distribution only under the following conditions:

(1) Upon the recommendation of the Priorities Officer of the Department of Reconstruction and Supply in Canada; and

(2) If the application meets the conditions specified under Priorities Regulation 28 of the Housing Expediter, including supplements and directions to that regulation, in effect at the time the application is acted upon.

(c) *How to apply.* Application for OMD authorization to use an RR rating for materials required to support the Canadian Housing Program should be made by letter in quadruplicate, addressed to the Office of Materials Distribution, Department of Commerce, Ref. AR-2, Dir. 3, but should be filed with the Priorities Officer, Department of Reconstruction and Supply, Ottawa, Canada. If he recommends the granting of the application, he will forward it with his recommendations, to the Office of Materials Distribution, Department of Commerce, Washington 25, D. C.—Ref. AR-2, Dir. 3. Such applications should give the following information:

(1) Exact nature of applicant's business, i. e., manufacturing builders hardware, sawmill, etc.

(2) Exact description of the item for which assistance is required, stating (a) for materials, the kind, quantity and unit of measure, or (b) for equipment, the make, model, size, type, capacity, etc.

(3) The exact use to be made in Canada of the item for which assistance is required.

(4) Name of suppliers and their present delivery promises, and their reasons for not promising satisfactory delivery dates. (Give date purchase order was placed and purchase order number, if known.)

(5) Efforts made to obtain suitable substitutes or reasons why substitutes cannot be used.

(d) *How applications are granted.* If the application is approved, the Office of Materials Distribution will issue a written authorization to the applicant authorizing him to use an RR preference rating for the materials and in the quantities which it may specify in the authorization. Upon receipt of such an authorization, the applicant may then use the rating as explained in paragraph (e) below.

(e) *How to use RR ratings under this direction.* (1) Any person authorized to use an RR rating under this direction must do so by endorsing the following certification on his purchase order, in the manner explained in §945.2 of Allocations Regulation 1:

#### RR Preference Rating

The undersigned purchaser certifies, subject to the criminal penalties for misrepresentation, that, to the best of his knowledge and belief, he is authorized under Direction 3 to AR-2 of the Office of Materials Distribution, Department of Commerce, to use the RR preference rating for the materials covered by this order.

(2) The use of the above certification by persons in Canada will constitute representations by them to the seller, to the Canadian Priorities Officer, and to the Office of Materials Distribution, subject to the criminal penalties for misrepresentation to such Officer or such Office, that, to the best of the knowledge and belief of the persons whose signatures are used, they are authorized under applicable Canadian orders, as well as under this direction, to place the purchase order, to receive the items ordered, and to use the RR rating, as certified by them; and the

use of the above certification in the United States will constitute representations of the facts stated therein to the seller and to the Office of Materials Distribution, subject to the criminal penalties for misrepresentations to that Office, as explained in §§945.2 and 945.14 of Allocations Regulation 1.

(3) When the above certification as to the authority to use an RR rating is used, no other form of certification of this fact shall be necessary or used on the purchase order.

(f) *Effect of RR ratings assigned under this direction.* RR preference ratings assigned under this direction by the Office of Materials Distribution shall have the same force and effect as RR ratings assigned by the Housing Expediter. The terms and provisions of Housing Expediter Priorities Regulation 1, Priorities Regulation 3, Priorities Regulation 7, Priorities Regulation 23, and directions and supplements to these regulations, and other orders and regulations of the Housing Expediter applicable to the use or acceptance of RR ratings, as amended or otherwise changed from time to time by the Housing Expediter, shall also apply to RR ratings assigned under this direction, as if incorporated in this direction at length. However, (1) The certification described in paragraph (e) (1) above must be used as required by this direction, instead of the form of certifications for using preference ratings which are described in the Housing Expediter's regulations; and (2) any communications concerning this direction should be addressed to the Office of Materials Distribution, Department of Commerce, Washington 25, D. C., Refs. AR-2, Dir. 3; and (3) the general rules in Allocations Regulation 1 remain applicable, except to the extent that they may be inconsistent with any specific rules in this direction.

(g) The reporting requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Pub. Laws 270 and 475, 79th Cong., Pub. Law 388, 79th Cong., Pub. Laws 24 and 29, 80th Cong., E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; E. O. 9809, 11 F. R. 14281; E. O. 9841, 12 F. R. 2645; Materials Control Reg. 1, May 2, 1947, 12 F. R. 2995; Office of Materials Distribution Reg. 1, May 2, 1947, 12 F. R. 2996.

Issued this 17th day of June 1947.

OFFICE OF MATERIALS  
DISTRIBUTION,  
By J. JOSEPH WHELAN,  
Issuance Officer.

[F. R. Doc. 47-5312; Filed, June 17, 1947;  
11:40 a. m.]

#### Chapter XIV—War Contracts Price Adjustment Board

#### PART 1608—TEXT OF STATUTES, ORDERS, JOINT REGULATIONS AND DIRECTIVES

#### SUBPART B—DELEGATIONS OF AUTHORITY

JUNE 12, 1947.

In § 1608.822-1 paragraphs (b) and (c) are amended to read as follows:

§ 1608.822-1 *Delegations of authority within the War Department.* \* \* \*

(b) *Delegation dated May 21, 1947 of authority to the Chairman of the War Department Price Adjustment Board.*

WAR DEPARTMENT  
OFFICE OF THE UNDER SECRETARY  
Washington, D. C.

21 May 1947

Memorandum for: Chairman, War Department Price Adjustment Board.  
Subject: Delegation of Discretion and Authority Under the Renegotiation Act.

1. By virtue of the authority and discretion vested in me by the memorandum dated 20 August 1945, from the Secretary of War, subject: "Delegation of Discretion and Authority Under the Renegotiation Act" I hereby redelegate to the Chairman of the War Department Price Adjustment Board all of the powers, functions and duties delegated to me under the memorandum referred to in this paragraph, except as otherwise delegated or reserved in this memorandum, to be exercised subject to the directions contained herein.

2. Included in the powers, functions and duties described in Paragraph 1 hereof, I hereby delegate to the Chairman of the War Department Price Adjustment Board authority and discretion, subject to Paragraph 3 hereof:

a. To establish policies, principles and procedures to be followed in renegotiation by the Army Air Forces.

b. To assist the Army Air Forces in the selection and training of personnel.

c. To review renegotiations and settlements recommended by the Army Air Forces.

d. To exercise any of the foregoing powers through any member of the Board or by one or more of its staff.

3. In the exercise of the authority and discretion delegated hereby all officials and agencies of the War Department will be governed by the applicable interpretations and regulations issued by the War Contracts Price Adjustment Board created by the Renegotiation Act, and by the Army Renegotiation Manual. The Chairman of the War Department Price Adjustment Board may, with the approval of the Under Secretary of War, modify or supplement the instructions in the Army Renegotiation Manual referred to, and such modified or supplemental instructions will apply to all officials and agencies of the War Department engaged in the administration of the Renegotiation Act.

4. I hereby designate the Chairman, the Vice-Chairman or the Assistant to the Chairman, of the War Department Price Adjustment Board as my representative with authority to execute all agreements reached as a result of renegotiation. I also designate the Chairman of the War Department Price Adjustment Board as my representative with authority to make determinations of excessive profits by order, not embodied in an agreement with the contractor or subcontractor concerned, including authority, under the Renegotiation Act of 1942, to refix the contract price.

5. Any agreements with a contractor or subcontractor resulting from renegotiation will be subject to review and approval by the Chairman of the War Department Price Adjustment Board except in cases where authority to execute agreements has been or may be duly delegated by me or by my authority.

6. The present members of the War Department Price Adjustment Board and the Chairman thereof will continue to serve as Chairman and members of the War Department Price Adjustment Board at the pleasure of the Under Secretary of War. The War Department Price Adjustment Board will continue in the Office of the Under Secretary of War or in such other office as he may designate. The Chairman and members of the War Department Price Adjustment Board will be appointed by the Under Secretary of War and will serve at his pleasure. The Board and the Chairman thereof will have such powers as may remain delegated to them respectively or may respectively be delegated

to them from time to time. During any absence of the Chairman, War Department Price Adjustment Board, the Acting Chairman, War Department Price Adjustment Board will perform the functions and exercise the authority of the Chairman, War Department Price Adjustment Board.

7. All authority and discretion hereby conferred are subject to the provisions of Part III, War Department Circular 53, 1946.

8. The authority and discretion hereby delegated to the Chairman, War Department Price Adjustment Board may be delegated by him in whole or in part to such individuals or agencies as he may designate and he may authorize such individuals or agencies to make or authorize successive redelegations of such authority and discretion.

9. The authority contained in the memorandum dated 28 May 1945 as amended from the Under Secretary of War, subject: "Delegation of Authority Under the Renegotiation Act" to the Chiefs of Technical Services, Army Service Forces, and the Commanding General, Army Air Forces, continues applicable notwithstanding the transfer of the Technical Services from the Army Service Forces. The Technical Services to which such memorandum as amended remains applicable are the respective Technical Services under Chief of Chemical Corps, Chief of Engineers, Chief of Ordnance, The Quartermaster General, The Chief Signal Officer, The Surgeon General and Chief of Transportation.

10. This memorandum supersedes the memorandum dated 10 June 1946 from the Under Secretary of War for the Director of Service, Supply and Procurement, and the Chairman, War Department Price Adjustment Board, subject: "Delegation of Discretion and Authority Under the Renegotiation Act" but any action taken under authority of such superseded memorandum will not be affected.

11. This memorandum will be effective as of 6 April 1947.

KENNETH C. ROYALL,  
Under Secretary of War.

(c) Delegation dated May 21, 1947 of authority to the Chief of Finance.

WAR DEPARTMENT  
OFFICE OF THE UNDER SECRETARY  
Washington, D. C.

21 May 1947

Memorandum for: The Chief of Finance.  
Subject: Delegation of Authority Under the Renegotiation Act.

1. Under subsection (c) (2) of the Renegotiation Act of 1943 certain powers, functions and duties to eliminate excessive profits under the circumstances and by the methods therein described are vested in the War Contracts Price Adjustment Board which has redelegated said powers, functions and duties to the Secretary of War. Under subsection (c) (2) of the Renegotiation Act of 1942 certain similar powers, functions and duties to eliminate excessive profits are vested in the Secretary of War. By memorandum dated 20 August 1945, the Secretary of War has redelegated to the Under Secretary of War all of the powers, functions and duties under subsection (c) (2) of the Renegotiation Act of 1943 and the Renegotiation Act of 1942 conferred upon the Secretary of War by such subsections and by the delegation of authority to him from the War Contracts Price Adjustment Board dated 10 August 1945.

2. I hereby redelegate to the Chief of Finance all said powers, functions and duties to eliminate excessive profits under the circumstances and by the methods or any combination of the methods referred to in subsection (c) (2) of the Renegotiation Acts of 1942 and 1943.

3. The powers hereby conferred shall be exercised in accordance with the applicable interpretations and regulations issued from time to time by the War Contracts Price Ad-

justment Board and the instructions contained in the Army Renegotiation Manual as modified from time to time.

4. The authority and discretion hereby delegated to the Chief of Finance may be delegated in whole or in part to such individuals or agencies as he may designate in the War Department, and he may authorize successive redelegations of such authority and discretion.

5. This delegation does not supersede the delegation dated 21 May 1947 by me to the Chairman of the War Department Price Adjustment Board.

6. This delegation shall be effective as of 6 April 1947.

7. Any action taken under the authority of prior delegations with respect to the subject matter hereof shall not be affected hereby.

KENNETH C. ROYALL,  
Under Secretary of War.

C. A. McLAUGHLIN,  
Legal Adviser

[F. R. Doc. 47-5715; Filed, June 17, 1947;  
8:45 a. m.]

## TITLE 36—PARKS AND FORESTS

### Chapter III—Corps of Engineers, War Department

#### PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

##### MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 4 of the act of December 22, 1944 (58 Stat. 889, as amended by the Flood Control Act of 1946, 60 Stat. 641, 16 U. S. C. 460d) Part 311, Chapter III, Title 36 of the Code of Federal Regulations is amended as follows:

1. Add new paragraph (g) to § 311.1 as follows:

§ 311.1 Areas covered. \* \* \*  
(g) Wappapello Reservoir Area, St. Francis River, Missouri.

[Regs. Mar. 14, 1947; ENGWF] (58 Stat. 889 as amended 60 Stat. 641, 16 U. S. C. Sup. 460d)

2. Rescind paragraph (b) of § 311.6 and substitute the following:

§ 311.6 Hunting and fishing. \* \* \*  
(b) Hunting shall be with shotgun only in any reservoir area listed in § 311.1 except for the Wappapello Reservoir Area, St. Francis River, Missouri, on which the hunting of deer with rifles is also permitted.

3. Rescind § 311.11 and substitute the following:

§ 311.11 Firearms and explosives. Loaded rifles, loaded shotguns, loaded pistols and explosives of any kind are prohibited in the area, except when in the possession of a law enforcement officer or Government employee on official duty, when shotguns or rifles are being used for hunting during the hunting season as permitted under § 311.6 and when specifically authorized by the District Engineer.

[Regs. May 27, 1947; ENGWF] (58 Stat. 889 as amended 60 Stat. 641, 16 U. S. C. Sup. 460d)

[SEAL] EDWARD F. WITSELL,  
Major General,  
The Adjutant General.

[F. R. Doc. 47-5741; Filed, June 17, 1947;  
8:48 a. m.]

# TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans' Administration

### PART 3—ADJUDICATION: DISALLOWANCE AND AWARDS

#### MISCELLANEOUS AMENDMENTS

The following amendments are made to Part 3:

§ 3.1356 *Subsequent findings of combat incurrence by adjudicating agencies of original jurisdiction.* (a) Where a claim for retirement has been allowed or denied by the board of veterans appeals, no other rating agency will thereafter make an initial finding in such claim that any disability was incurred in combat with an enemy of the United States. If a rating agency is of the opinion that the veteran has a disability which was incurred in combat, the claim will be transmitted to the board of veterans appeals with appropriate recommendation. The initial rating action taken by the board of veterans appeals in these cases will be subject to appeal within the time prescribed by the regulations of this chapter.

(b) Where a veteran receiving emergency officers retirement benefits enters Federal employment, and there has been no determination as to whether the disability for which he was retired was incurred in combat or was due to the explosion of an instrumentality of war, any action to adjust the payments required by § 3.1358 (a) will be accomplished and the claims folder submitted to the board of veterans appeals for appropriate determination of that phase of the claim.

§ 3.1358 *Public No. 2, 72d Congress, as amended.* (a) Effective July 1, 1932, section 212 of Public No. 212, 72d Congress, as amended, which is permanent legislation, prohibits the concurrent payment of retirement pay and salary from the United States Government or the Municipal Government of the District of Columbia, or any corporation, the majority of the stock of which is owned by the United States, except under certain specified conditions. However, such prohibition is inapplicable if the disability for which retired was incurred in combat with an enemy of the United States. On and after July 15, 1940, the above restriction is also inapplicable if the disability for which retired resulted from an explosion of an instrumentality of war in line of duty. A finding by the board of veterans appeals that a disability is the direct result of the performance of duty, or that on all the evidence of record it is clearly shown that the disability for which retirement was granted was incurred in or aggravated by active service in fact in line of duty without benefit of any statutory or regulatory presumption of any kind, does not of itself meet the requirements of Public No. 212. There must be a specific finding of combat incurrence of a disability for which retirement was granted or a specific finding that the disability resulted from an explosion of an instrumentality of war in line of duty during enlistment or employment as provided in § 35.011 (a) of this chapter. If a retired officer

is also an employee of the United States within the purview of section 212, Public No. 212, 72d Congress, as amended, and his retired pay is at a rate equal to or in excess of \$3,000 per annum, he must elect which form of payment he desires during the period of such incumbency. If the rate of the retired pay and the rate of civilian compensation, when combined, are equal to or less than \$3,000 per annum, he is entitled to both. On the other hand, if the civilian compensation is at a rate of less than \$3,000 and the retired pay is also at a rate of less than \$3,000, he is entitled to the full amount of his civilian pay and to such additional amount from the retired pay as will make a total payment annually of \$3,000. (Comptroller General—June 25, 1942, B-24989) If the retired pay is at a rate of less than \$3,000 and the civilian pay is at a rate in excess of \$3,000, there is no right of election, the civilian pay must be paid and even though it is a part-time position and the salary actually paid is less than \$3,000 per annum, there is no right to any portion of the retired pay. (Comptroller General—August 17, 1932, 12 Comp. Gen. 256) The claim of a part-time employee should be adjudicated on the "rate" of pay for the position rather than on the part-time pay received. It is, therefore, necessary to ascertain from the department or establishment where the veteran is employed, the annual rate of pay for the position held. Section 212, Public No. 212, 72d Congress, as amended, is applicable to persons receiving fees from the Federal Government only when such fees are paid in connection with employment in "a civilian office or position, appointive or elective, under the United States Government or Municipal Government of the District of Columbia, or under any corporation, the majority of the stock of which is owned by the United States." However, when the fees are based on services furnished under contract (Solicitor's Opinion—August 6, 1932), i. e., when the person receiving same is not an "employee," section 212, Public No. 212, 72d Congress, as amended, is not for application. For example, employment by the VA of former officers of the armed forces retired for disability as consultants upon a fee basis pursuant to section 14 (a) of Public Law 293, is not in contravention of section 212 of Public No. 212, 72d Congress, inasmuch as such consultants do not occupy an "office or position" within the meaning of those terms as used in the cited statute notwithstanding that the term "compensation" as used therein is sufficiently broad to include fees. (Decision of Compt. Gen. B-62616, January 17, 1947)

(b) In the preparation of awards involving Federal employees, subject to section 212, Public No. 212, 72d Congress, as amended, the amount of Federal salary received, including the Civil Service Retirement and Federal income tax deductions, will be shown on the award under "Remarks." Amounts received by Government employees as overtime compensation or additional compensation under Public Law 49, 78th Congress, or amounts payable under Public Laws 106 and 390, 79th Congress, other than increases in basic rates of compensation,

which the act expressly provides shall be considered a part of basic compensation, shall not be considered in determining the amount of a person's annual income or annual rate of compensation for the purposes of section 212, Public No. 212, 72d Congress, as amended.

No change in (c).

(47 Stat. 382; 59 Stat. 295)

[SEAL] OMAR N. BRADLEY,  
General, U. S. Army,  
Administrator of Veterans' Affairs.

MAY 15, 1947.

[P. R. Doc. 47-5713; Filed, June 17, 1947;  
8:48 a. m.]

### PART 5—ADJUDICATION: DEPENDENTS CLAIMS

#### MISCELLANEOUS AMENDMENTS

The following amendments are made to Part 5:

§ 5.2515 *World War II.* For the purpose of adjudicating claims for death compensation or pension predicated on service rendered during World War II in an enlistment entered into prior to twelve o'clock noon, December 31, 1946, the following definitions of relationship shall govern:

(a) *Widow.* The term "widow" of a veteran of World War II shall mean a woman who was married to the veteran:

(1) Prior to twelve o'clock noon, December 31, 1956; and

No change in subparagraphs (2) (3), and (4).

No change in paragraphs (b) and (c).

§ 5.2530 *Death of veteran due to wartime service; Public No. 2, 73d Congress — (a) Spanish-American War.* For the purposes of Public No. 2, 73d Congress (Act of March 20, 1933) the surviving widow, child or children and/or dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service during the Spanish-American War, Boxer Rebellion, or Philippine Insurrection, as provided for in § 35.011 (a) of this chapter, shall be entitled to receive compensation at the monthly rates specified in § 5.2624.

(b) *World War I.* For the purposes of Public No. 2, 73d Congress (Act of March 20, 1933), the surviving widow, child or children and dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service during World War I, as provided for in § 35.011 (a) of this chapter, shall be entitled to receive compensation at the monthly rates specified in § 5.2624. Effective August 16, 1937, service prior to July 3, 1921, during an enlistment entered into after November 11, 1918, shall be considered as World War I service provided the person who served also served after April 5, 1917, and prior to November 12, 1918, and death occurred or was due to a disability incurred or to the aggravation of a disease or injury suffered, during the re-enlist-

ment and prior to July 3, 1921. (Sec. 5, Pub. No. 304, 75th Cong.)

(c) *World War II.* For the purposes of Public No. 2, 73d Congress, as amended, the surviving widow, child or children and dependent father or mother of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service, during World War II in an enlistment entered into prior to twelve o'clock noon, December 31, 1946, as provided for in § 35.011 (a) of this chapter, as amended by section 9, Public Law 144, 78th Congress, shall be entitled to receive compensation at the monthly rates specified in § 5.2624.

§ 5.2549 *Death of World War II veteran from disease or injury not the result of service, who at time of death had a service-connected disability* (Pub. Law 312, 78th Cong., act of May 27 1944, and Pub. Law 483, 78th Cong., act of December 14, 1944. (a) On or after May 27, 1944, for the purposes of section 4, Public Law 312, 78th Congress, the widow, child or children, as defined in § 5.2515, of a person who served during World War II in an enlistment entered into prior to twelve o'clock noon, December 31, 1946, and who was honorably discharged after serving 90 days or more (or having served less than 90 days, was discharged for disability incurred in such service in line of duty and who dies or has died from a disease or disability not connected with such service, and at the time of death had a disability as described in paragraph (b) of this section, incurred in or aggravated by such service in World War II, for which compensation would be payable if 10 per centum or more in degree shall be entitled to receive pension at the monthly rates specified in § 5.2640: *Provided*, That pension shall be payable without regard to the length of the veteran's service if at the date of death he was receiving or entitled to receive compensation, or retirement pay for a disease or disability as specified above which was 10 per centum or more disabling under the Schedule for Rating Disabilities, 1945, or the Schedule for Rating Disabilities, 1933, with the latter being utilized to vest entitlement only where it was in effect, at the date of death: *Provided further*, That

(1) The income limitations set forth in § 5.2548 (e) shall be applicable in determining entitlement to pension under this law

(2) On or after June 22, 1944, pension shall be payable under the conditions prescribed where the veteran was discharged or released from active service under conditions other than dishonorable (Sec. 1503, Pub. Law 346, 78th Cong., secs. 5 and 6, Pub. Law 483, 78th Cong.)

(3) Computation of the 90 days service may include continuous service in an enlistment entered into prior to December 7, 1941, and continuing into the World War II period, or in an enlistment entered into prior to twelve o'clock noon, December 31, 1946, and continuing into the following period.

(b) (1) On or after May 27, 1944, the existence of a service-connected disease or injury at death and the determination

of a disability resulting from such disease or injury for which compensation would be payable if 10 per centum or more in degree may be based upon evidence filed at any time subject to the limitations contained in §§ 35.022 (b) and 35.02 (a) of this chapter. Any disability that may be properly service-connected under the provisions of § 35.011 of this chapter, Public No. 2, 73d Congress, as amended, for World War II veterans based upon service rendered in an enlistment entered into prior to twelve o'clock noon, December 31, 1946, will be considered service-connected for the purpose of Public Law 312, 78th Congress, or Public Law 483, 78th Congress.

(2) The term "disability" as used in this section shall comprehend any disease or injury existing at death for which service connection is established in accordance with laws applicable to World War II based upon service rendered in an enlistment entered into prior to twelve o'clock noon, December 31, 1946, and which constitutes a disability as defined by the regulations of this chapter and rating criteria applicable to Public No. 484, 73d Congress, as amended.

(3) The regulation in this section shall be cited as the authority for the determination of the existence of a disability of less than 10 per centum under section 4, Public Law 312, 78th Congress, or Public Law 483, 78th Congress. Where there is no provision for an evaluation of the disease or injury as a disability and the condition is not a disability within the meaning of the instructions issued defining the term "disability" as used in section 1 (b) Public No. 128, 76th Congress, or section 6, Public Law 483, 78th Congress, but it is clear that the disease or injury constituted a definitely ascertainable disability the rating agency or the board of veterans appeals, as the case may be, will outline the evidence and influencing reasons relied on to show the existence of a disability: *Provided, however* That dependents pension boards in branch offices will make recommendatory ratings in such cases which will be forwarded to central office for review and final rating by the central dependents pension board, dependents and beneficiaries claims service.

(Proc. 2714, Dec. 31, 1946, 12 F. R. 1)

[SEAL] OMAR N. BRADLEY,  
General, U. S. Army,  
Administrator of Veterans' Affairs.  
MAY 13, 1947.

[F. R. Doc. 47-5714; Filed, June 17, 1947;  
8:48 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter II—Office of Defense Transportation

#### PART 500—CONSERVATION OF RAIL EQUIPMENT

##### SHIPMENTS OF NEW FRESH HARVESTED IRISH POTATOES AND NEW FRESH HAR- VESTED ONIONS

CROSS REFERENCE: For an exception to the provisions of § 500.72 see Part 520 of this chapter, *infra*.

[Gen. Permit ODT 18A, Rev.-31A]

#### PART 520—CONSERVATION OF RAIL EQUIP- MENT; EXCEPTIONS, PERMITS, AND SPE- CIAL DIRECTIONS

##### SHIPMENTS OF NEW FRESH HARVESTED IRISH POTATOES AND NEW FRESH HARVESTED ONIONS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, General Permit ODT 18A, Revised-31, as amended, shall be superseded, and it is hereby ordered, that:

§ 520.531 *Shipments of new fresh harvested Irish potatoes.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172, 12 F. R. 1034, 2386), and the restrictions contained in Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of new fresh harvested Irish potatoes:

(a) When the origin point of any such freight is any point or place within the United States excepting the States of Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah or Washington, and the quantity loaded in each car is not less than 36,000 pounds when such freight is iced or when ice is available for placing in such car: *Provided*, That if ice is not available at the shipping point for placing in such car, the quantity loaded therein shall be not less than 30,000 pounds;

(b) When the origin point of any such freight is any point or place in the States of Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah or Washington, and the quantity loaded in each car is not less than 40,000 pounds.

§ 520.532 *Shipments of new fresh harvested onions.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended, and the restrictions contained in Special Direction ODT 18A-2A, as amended, any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of new fresh harvested onions:

(a) When the origin point of any such freight is any point or place within the United States excepting a point or place in the States of Texas or Georgia, and the quantity loaded in each car is not less than 30,000 pounds;

(b) When the origin point of any such freight is a point or place in the States of Texas or Georgia and the quantity loaded in each car is not less than 25,000 pounds.

This General Permit ODT 18A, Revised-31A, shall become effective June 14, 1947.

General Permit ODT 18A, Revised-31, as amended (12 F. R. 1993, 3175), is hereby revoked as of the effective date of this General Permit ODT 18A, Revised-31A.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, Pub. Law 29, 80th Cong., 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 13th day of June 1947.

J. M. JOHNSON,  
Director,  
Office of Defense Transportation.

[F. R. Doc. 47-5753; Filed, June 17, 1947;  
8:48 a. m.]

## PROPOSED RULE MAKING

### INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 3151]

[Ex Parte No. 146]

OIL FIELD EQUIPMENT IN MARSHLANDS OF  
LOUISIANA AND TEXAS

PROPOSED CONTINUATION OF EXEMPTION

JUNE 11, 1947.

An order was entered in the above-entitled proceeding August 26, 1941, exempting from the requirements of Part III of the Interstate Commerce Act, for a period of three years, contract carriers by

water engaged in the leasing or chartering of vessels for the purpose of transporting machinery, materials, supplies, and equipment incidental to, or used in, the construction, development, operation, and maintenance of, facilities for, the discovery, development and production of, natural gas and petroleum, to and from points in the marshland oil fields of Louisiana and Texas (49 CFR, Cum. Supp., 315.1) By order of May 10, 1944, the period of exemption of such contract carriers was extended to August 26, 1947 (49 CFR, 1944 Supp., 315.1).

Letters and petitions have been received from certain water carriers and oil

companies requesting that such exemption be further extended to August 26, 1950. They state that the conditions set forth in the order of August 26, 1941, as a basis for granting the exemption, still exist.

Any interested persons may file with the Commission on or before July 15, 1947, memoranda or briefs containing their views as to the matter of extending beyond August 26, 1947, the exemption granted in this proceeding.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-5739; Filed, June 17, 1947;  
8:48 a. m.]

## NOTICES

### DEPARTMENT OF AGRICULTURE

#### Sugar Rationing Administration

##### LIST OF COMMUNITY CEILING PRICE ORDERS

List of community ceiling price orders under General Order No. 2. The following orders establishing dollar-and-cents ceiling prices for sales at retail of sugar were issued under General Order No. 2, issued by the Secretary of Agriculture. The date of filing with the FEDERAL REGISTER is shown following the regional designation.

##### REGION 8

Filed May 26, 1947

Order No. SCP-16, Amendment 1, covering sales in the State of Washington. Filed 10:37 a. m.

Order No. SCP-20, Amendment 1, covering sales in certain areas of the State of Idaho and in Malheur County, Oregon. Filed 10:37 a. m.

Order No. SCP-21, Amendment 1, covering sales in the State of Montana. Filed 10:37 a. m.

Order No. SCP-24, Amendment 1, covering sales in the State of Wyoming. Filed 10:38 a. m.

Order No. SCP-23, Amendment 1, covering sales in the State of Utah. Filed 10:38 a. m.

MAUD E. CUSTER,  
Registrar.

[F. R. Doc. 47-5740; Filed, June 17, 1947;  
8:48 a. m.]

### CIVIL AERONAUTICS BOARD

[Docket No. 424]

PENNSYLVANIA-CENTRAL AIRLINES CORP.

NOTICE OF ORAL ARGUMENT CONCERNING  
MAIL RATES

In the matter of the motion of Public Counsel for denial of the petition of Pennsylvania-Central Airlines Corporation under section 406 of the Civil Aeronautics Act of 1938, as amended, insofar as such petition requests the establishment of a mail rate restrictively effective to June 1, 1942.

Pennsylvania-Central Airlines Corporation having, by petition filed January 14, 1947, petitioned the Board to fix and determine the fair and reasonable rate of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, for reasons therein set forth retroactively at 18.12 cents per revenue plane course mile for the period, June 1, 1942 to December 31, 1946, both dates inclusive; and at 30 cents per revenue plane course mile for the period ensuing and for the future; and

Public Counsel, by motion filed April 22, 1947, having moved the Board for entry of an order denying petitioner's request for an increase in rate effective prior to the date its petition was filed, to which motion petitioner, on May 12, 1947, has filed an answer requesting dismissal of said motion, or, in the alternative, asking to be heard in oral argument before the Board.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as

amended, that oral argument in the above proceeding, addressed to the issues established under the pleadings above referred to, is assigned to be held on July 1, 1947, at 10:00 a. m., daylight saving time, in Room 5042, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated at Washington, D. C., June 12, 1947.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 47-5737; Filed, June 17, 1947;  
8:48 a. m.]

[Dockets Nos. 1832, 1830]

NORTHEAST AIRLINES, INC.

NOTICE OF HEARING CONCERNING MAIL RATE  
PROCEEDINGS

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Northeast Airlines, Inc., over its entire system.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act, that a hearing in the above-entitled proceeding is hereby assigned to be held on June 25, 1947, at 10:00 a. m. (daylight saving time) in Room 1302, Temporary "T" Building, Constitution Avenue, between 12th St.

and 14th St., N. W., Washington, D. C., before Examiner Edward T. Stodola.

For a detailed statement of the matters in issue in this proceeding reference is made to the Examiner's Prehearing Conference Report (together with appendices thereto) served April 30, 1947 and to his Supplementary Prehearing Conference Report served May 14, 1947, both of which documents are on file with the Civil Aeronautics Board.

Dated at Washington, D. C., June 12, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 47-5733; Filed, June 17, 1947;  
8:47 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-853]

HOME GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDER ISSUING  
CERTIFICATES OF PUBLIC CONVENIENCE  
AND NECESSITY

JUNE 12, 1947.

In the matter of Home Gas Company, The Manufacturers Light and Heat Company Cumberland and Alleghany Gas Company, and Natural Gas Company of West Virginia.

Notice is hereby given that, on June 11, 1947, the Federal Power Commission issued its findings and order entered June 6, 1947, issuing certificates of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-5716; Filed, June 17, 1947;  
8:45 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 7-977]

CHICAGO AND NORTH WESTERN RAILWAY CO.

ORDER PERMITTING COMMON STOCK NO PAR  
VALUE TO BE EQUIVALENT TO VOTING TRUST  
CERTIFICATES FOR COMMON STOCK NO PAR  
VALUE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of June A. D. 1947.

The Boston Stock Exchange has made application under Rule X-12F-2 (b) for a determination that the Common Stock, No Par Value, of Chicago and North Western Railway Company is substantially equivalent to the Voting Trust Certificates for Common Stock, No Par Value, of that company, which have heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Ex-

change Act of 1934 and Rule X-12F-2 (b) thereunder, that the Common Stock, No Par Value, of Chicago and North Western Railway Company is hereby determined to be substantially equivalent to the Voting Trust Certificates for Common Stock, No Par Value, of that company heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-5719; Filed, June 17, 1947;  
8:45 a. m.]

[File No. 7-984]

SEABOARD AIR LINE RAILROAD CO. VOTING  
TRUST

NOTICE OF APPLICATION FOR UNLISTED TRADING  
PRIVILEGES, AND OF OPPORTUNITY FOR  
HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of June A. D. 1947.

In the matter of Application by the Boston Stock Exchange for unlisted trading privileges in Seaboard Air Line Railroad Company Voting Trust, expiring April 1, 1951, voting trust certificates for common stock, no par value; File No. 7-984.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1935 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Voting Trust Certificates for Common Stock, No Par Value, of Seaboard Air Line Railroad Company Voting Trust, Expiring April 1, 1951, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to July 3, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-5717; Filed, June 17, 1947;  
8:45 a. m.]

[File Nos. 54-155, 54-9, 59-2]

AMERICAN GAS AND ELECTRIC CO. ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 10th day of June A. D. 1947.

In the matter of American Gas and Electric Company, File No. 54-155; American Gas and Electric Company, Atlantic City Electric Company, Deepwater Operating Company, South Penns Grove Realty Company, File Nos. 54-9 and 59-2.

The Commission having, on April 7, 1947, issued its order approving a plan filed by American Gas and Electric Company ("American Gas"), a registered holding company, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, said plan providing, among other things, that American Gas would dispose of its interest in Atlantic City Electric Company ("Atlantic City") consisting of 1,150,000 shares of common stock of the par value of \$10 per share through the sale at competitive bidding of 522,416 shares of such stock and the disposition of the remaining 627,584 shares as dividends to the common stockholders of American Gas commencing with the dividend date June 15, 1947, and terminating with the dividend date December 15, 1948; and

A supplemental application having been filed by American Gas on May 7, 1947 wherein it was stated that on April 14, 1947 due to unsettled conditions applicant postponed indefinitely the date for submission of sealed written proposals for the purchase of the common stock of Atlantic City. Said supplemental application proposed a modification of the competitive bidding procedure whereby American Gas would publish a notice requesting that any persons interested in such underwriting would advise the company in writing before a specified date (which should be not earlier than the 4th day after publication of the notice) On or after such specified date, American Gas would notify by telegram all persons who had so signified their interest that sealed bids should be presented at a designated time and place; and

The Commission having, by order dated May 9, 1947, granted said supplemental application subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of the common stock of Atlantic City shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed; and

It appearing that the proposed sale of the common stock of Atlantic City has not been consummated within the period prescribed by Rule U-24, and American Gas having requested the Commission to extend to August 5, 1947 the time within

which the said 522,416 shares of the common stock of Atlantic City shall be sold in accordance with the terms and conditions of, and the purposes stated in, the aforementioned plan and supplemental application; and

The Commission having considered such request and deeming it appropriate that it be granted;

*It is ordered*, That the time within which American Gas shall sell the 522,416 shares of the common stock of Atlantic City in accordance with the orders of April 7, 1947 and May-9, 1947 and subject to the terms and conditions and reservations of jurisdiction therein contained, be, and hereby is, extended to and including August 5, 1947.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 47-5722; Filed, June 17, 1947;  
8:47 a. m.]

[File No. 70-1516]

#### MISSISSIPPI POWER & LIGHT CO.

#### SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of June A. D. 1947.

Mississippi Power & Light Company ("Mississippi"), an electric and gas utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed a declaration, and amendments thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder regarding the issuance and sale at competitive bidding of \$8,500,000 principal amount of First Mortgage Bonds, --% Series due June 1, 1977; and

The Commission having by order dated May 28, 1947, permitted said declaration, as amended, to become effective subject to the condition that the proposed issue and sale of bonds should not be consummated until the results of competitive bidding pursuant to Rule U-50 had been made a matter of record in this proceeding and a further order entered by the Commission in the light of the record as so completed and subject further to a reservation of jurisdiction with respect to the payment of all fees and expenses of all counsel in connection with the issue and sale of said bonds; and

Mississippi having filed an amendment to its declaration setting forth the action taken to comply with the requirements of Rule U-50 and stating that pursuant to the invitation for competitive bids, six bids on such bonds by six groups of underwriters headed by the firms set forth below were received:

Underwriting group	Com- pen- sation rate	Price to company	Cost to com- pany
White, Weld & Co. <sup>1</sup> .....	2.875	100.230	2.875
Shields & Co. <sup>1</sup> .....	2.875	100.173	2.875
Glore, Ferman & Co. <sup>1</sup> .....	2.875	100.14	2.875
Harriman Ripley & Co., Inc. <sup>1</sup> .....	2.875	100.14	2.875
Blyth & Co., Inc. <sup>1</sup> .....	3.00	102.311	2.834
W. C. Langley & Co. <sup>1</sup> .....	3.00	102.311	2.834
The First Boston Corp. <sup>1</sup> .....	3.00	102.311	2.834
Halsey, Stuart & Co., Inc. <sup>1</sup> .....	3.00	101.001	2.834
Lehman Bros. <sup>1</sup> .....	3.00	101.001	2.834

<sup>1</sup> Bid jointly.

Said declaration having contained the statement that Mississippi has accepted the bid of the group headed jointly by White, Weld & Co. and Shields & Company as set out above, and that the bonds will be offered for sale to the public at a price of 101.125% of the principal amount thereof, resulting in an underwriters' spread of 0.836% of the principal amount of said bonds; and

The Commission finding that the proposed payments of counsel fees in the amount of \$11,000 to Reid & Priest, New York counsel for Mississippi, \$5,500 to Green & Green, general counsel for Mississippi, and \$7,500 to Winthrop, Stimson, Putnam & Roberts, counsel for the successful bidders for said bonds, whose fee is to be paid by the successful bidder, are not unreasonable; and

The Commission having examined said amendment and having considered the record herein and finding no reasons for imposing terms and conditions with respect to said matters:

*It is ordered*, That jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said bonds under Rule U-50 be, and the same hereby is, released, and that the amendment filed on June 11, 1947 to the declaration herein be, and the same hereby is, permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24; and

*It is further ordered*, That jurisdiction heretofore reserved with respect to fees and expenses of counsel in connection with the issue and sale of said bonds, including the fees payable to counsel for the successful bidder, be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 47-5720; Filed, June 17, 1947;  
8:46 a. m.]

[File No. 70-1521]

#### PUBLIC SERVICE CO. OF NEW HAMPSHIRE ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 12th day of June A. D. 1947.

Public Service Company of New Hampshire ("New Hampshire") a public utility subsidiary of New England Public Service Company, a registered holding company, having filed an appli-

cation, and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder, with respect to the following transactions:

New Hampshire proposes to issue and sell at competitive bidding, pursuant to the provisions of Rule U-50, \$4,500,000 principal amount of First Mortgage Bonds, Series B, --% due 1977. The bonds are to be issued under and secured by the company's presently outstanding Mortgage dated as of January 1, 1943, as supplemented by the First Supplemental Indenture dated as of December 1, 1943 and the Second Supplemental Indenture to be dated as of June 1, 1947. The interest rate of said bonds (which shall be a multiple of 1/8 of 1% and shall not exceed 3%) and the price, exclusive of accrued interest, to be paid to New Hampshire (which shall not be less than the principal amount of said bonds and not more than 102.75% of such principal amount) are to be determined by competitive bidding. The proceeds (excluding accrued interest) from the sale of the bonds, after the payment of expenses, will be used by New Hampshire to reimburse its treasury for amounts expended in the purchase and construction of property and facilities used in its business and for other corporate purposes.

Said application having been filed May 12, 1947 and the last amendment thereto having been filed on June 12, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Applicant having requested that the Commission's order granting the application become effective forthwith, and the Commission deeming it appropriate to grant such request; and

The Commission finding that New Hampshire is entitled to an exemption from the provisions of sections 6 (a) and 7 of the act pursuant to the provisions of section 6 (b) thereof, it appearing that the issuance and sale of the First Mortgage Bonds are solely for the purpose of financing the business of applicant and that such issuance and sale has been expressly authorized by the Public Service Commission of the State of New Hampshire, the state in which New Hampshire was organized and is doing business, and by the Public Service Commission of the State of Vermont, the state in which New Hampshire also does business; and the Commission deeming it appropriate in the public interest and the interest of investors and consumers that subject to the conditions and reservations of jurisdiction recited below said application, as amended, be granted:

*It is hereby ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that

the proposed sale of the First Mortgage Bonds by New Hampshire shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record herein and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction is hereby reserved.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 47-5718; Filed, June 17, 1947;  
8:45 a. m.]

[File No. 70-1541]

BIRMINGHAM GAS CO.

#### NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 11th day of June A. D. 1947.

Notice is hereby given that an application has been filed with this Commission pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 by Birmingham Gas Company ("Birmingham"), a gas utility subsidiary of Federal Water and Gas Corporation, a registered holding company.

Notice is further given that any interested person may not later than June 26, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th & Locust Streets, Philadelphia 3, Pennsylvania. At any time after June 26, 1947 said application, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100.

All interested persons are referred to said application, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized below.

Birmingham proposes to issue notes aggregating \$600,000 bearing interest at the rate of 2½% per annum and maturing at the rate of \$50,000 semi-annually. Such notes will include loans from The Chase National Bank of the City of New York in the amount of \$400,000 and The Continental Bank & Trust Company of New York in the amount of \$200,000. Proceeds of the loans are to be used for construction of improvements and extensions to the company's properties. The application recites that the issuance and sale of such notes will have been expressly authorized by the Alabama Public Service Commission, the State Commission of

the State in which Birmingham is organized and doing business.

The filing requests that the Commission's order permitting the application to become effective be issued as promptly as possible and become effective on the date of issuance.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 47-5721; Filed, June 17, 1947;  
8:46 a. m.]

[File No. 812-496]

FIRST YORK CORP. AND AMERICAN WHEEL-  
ABRATOR & EQUIPMENT CORP.

#### NOTICE OF APPLICATION, STATEMENT OF IS- SUES AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 12th day of June A. D. 1947.

Notice is hereby given that American Wheelabrator & Equipment Corporation (Wheelabrator) has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from section 17 (a) of said act, a proposed transaction in which Wheelabrator will solicit tenders of its 5% Cumulative Preferred Stock, \$50 par value, from the holders thereof, at a price not in excess of \$50 per share, plus accrued dividends to date of purchase.

First York Corporation (First York) an investment company registered under the Investment Company Act of 1940, owns 33,446.6 of the 38,484.6 shares of the 5% Cumulative Preferred Stock of Wheelabrator outstanding. First York also owns approximately 87% of the outstanding common stock of Wheelabrator, which is the only stock of Wheelabrator at present entitled to vote. The remainder of the preferred and common stock of Wheelabrator is owned by seven persons who are officers or directors of Wheelabrator (or associates of such persons) and by the corporate trustee for its employees' profit sharing trust. Wheelabrator proposes to solicit tenders of its preferred stock from holders thereof at a price not in excess of \$50 per share and intends to use the sum of \$76,969 in its sinking fund for this purpose. First York proposes to tender 1,540 shares of Wheelabrator's preferred stock at \$50 per share plus accrued dividends, the maximum number of shares which can be purchased from the sum of \$76,969, but First York is willing to have any tenders of the minority stockholders accepted prior to its own tenders. Since Wheelabrator is an affiliated person of First York, the proposed transaction is prohibited by section 17 (a) of the act.

All interested parties are referred to said Application which is on file in the offices of the Commission for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

The Corporation Finance Division of the Commission has advised the Commission that upon a preliminary examination of the application it deems the

following issues to be raised thereby, without prejudice to the specification of additional issues upon further examination.

(a) Whether the proposed transaction is reasonable and fair;

(b) Whether the proposed transaction involves overreaching on the part of any person concerned; and

(c) Whether the proposed transaction is consistent with the policy of First York Corporation.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

*It is ordered*, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on June 26, 1947, at 10:00 a. m., e. d. s. t., Room 318 in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

*It is further ordered*, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

Notice of such hearing is hereby given to First York Corporation, to American Wheelabrator & Equipment Corporation and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors. Any person desiring to be heard or otherwise desiring to participate in said proceedings should file with the Secretary of the Commission, on or before June 23, 1947 his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above issues of law or fact which he desires to controvert and any additional issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 47-5723; Filed, June 17, 1947;  
8:47 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 830, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9063]

BERTHA SCHMITZ

In re: Estate of Bertha Schmitz, deceased. File D-28-10165; E. T. sec. 14466.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Tony Menke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Bertha Schmitz, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by the City National Bank and Trust Company, as Executor, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-5744; Filed June 17, 1947;  
8:50 a. m.]

[Vesting Order 9127]

ANNA ENDRES

In re: Estate of Anna Endres, deceased. File D-28-11549; E. T. sec. 15760.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Schroeder, Josef Schroeder, Maria Averdick (nee Schroeder) Franziska Quirnbach (nee Schroeder) and Paula Schroeder, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Anna Endres, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country, (Germany)

3. That such property is in the process of administration by Elizabeth Jeremias,

No. 119—3

as executrix, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-5745; Filed, June 17, 1947;  
8:50 a. m.]

[Vesting Order 9128]

FIRST NATIONAL BANK OF JERSEY CITY,  
N. J., ET AL.

In re: The First National Bank of Jersey City, New Jersey, Sole Substituted Trustees for the First National Bank of Hoboken, New Jersey, et al., Trustees, vs. Steneck Title & Mortgage Guaranty Company, et al. File D-66-921; E. T. sec. 5682.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Pauline Baumann, Benno Breil-trainer, also known as Bruno Breil-trainer, Frieda Breil-trainer, Rudolf Grunhagen, Sophia Karstens, Lina Kuck, Paul Lochelt, Olga Lochelt, Heinrich Moeschler, Fred H. Niemeyer, Johann Rusch, Johanna Rusch, Meta Forster Schmidt, Adolf Schubert, Elizabeth Schuetze, Hermann Wiechmann, Heinrich Wormcke, Elizabeth Lenk, August Simon, Martha Furkert, Frieda Beckert, Elise Pomper, Peter Kramer and Emma Kramer, whose last known address is Germany, are residents of Germany and are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the funds deposited by The First National Bank of Jersey City, Sole Substituted Trustee, with the Clerk of the Court of Chancery of New Jersey, pursuant to an Order of the Court of Chancery, dated October 27, 1943, entered in the proceeding entitled,

"The First National Bank of Hoboken, New Jersey, et al., Trustees, vs. Steneck Title and Mortgage Guaranty Company, et al.," Docket No. 100-645, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by I. Grant Scott, Clerk of the Court of Chancery of New Jersey, State House Annex, Trenton, New Jersey, as Depositary, acting under the judicial supervision of the Court of Chancery of New Jersey

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-5746; Filed, June 17, 1947;  
8:50 a. m.]

[Vesting Order 9141]

CHARLES L. STEINIGER

In re: Estate of Charles L. Steiniger, deceased. File No. D-28-11414; E. T. sec. 15651.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Rothenberger, Elsa Trommer, Martha Trogel and Herrmann Riedel, also known as Herrmann Riedal, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Charles L. Steiniger, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Bert Knut Olsen and Arno Schmutzler, as executors, act-

ing under the judicial supervision of the Passaic County Orphans' Court, Passaic County Court House, Paterson, New Jersey.

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193 as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-5747; Filed, June 17, 1947;  
8:50 a. m.]

[Vesting Order 9147]

BAYERISCHE STICKSTOFF-WERKE, A. G. AND  
SIEMENS SCHUCKERTWERKE A. G.

In re: Stock owned by Bayerische Stickstoff-Werke Aktiengesellschaft and Siemens Schuckertwerke Aktiengesellschaft, F-28-8507-D-1, F-28-10097-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bayerische Stickstoff-Werke Aktiengesellschaft and Siemens Schuckertwerke Aktiengesellschaft, the last known addresses of which are Berlin, Germany, are corporations, partnerships, associations or other business organizations, organized under the laws of Germany, and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany).

2. That the property described as follows:

a. Thirty-Two Hundred (3200) shares of No par value common capital stock of European Gas and Electric Company, 30 Rockefeller Plaza, New York 20, N. Y., a corporation organized under the laws of the State of Delaware, evidenced by the Certificates listed below, registered in the names of the persons listed below, in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Bayerische Stickstoff-Werke Aktiengesellschaft.	TC80	100
	TC81	100
	TC82	100
	TC83	100
	TC84	100
	TC144	100
	TC177	100
	TC201	100
	TC202	100
	TC224	100
	TC235	100
	TC32	25
	TC0114	25
	TC0164	50
	TC0197	25
	TC0233	25
Siemens Schuckertwerke Aktiengesellschaft.	TC0371	1,250
	TC74	100
	TC75	100
	TC76	100
	TC035	50
	TC0386	350

together with all declared and unpaid dividends thereon, and

b. Three Hundred Twenty (320) shares of no par value \$7.00 cumulative second preferred capital stock of European Gas and Electric Company, 30 Rockefeller Plaza, New York 20, N. Y., a corporation organized under the laws of the State of Delaware, evidenced by the Certificates listed below, registered in the names of the persons listed below, in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Bayerische Stickstoff-Werke Aktiengesellschaft.	T2P084	25
	T2P8	100
	T2P0152	25
	T2P0204	50
	T2P0239	25
	T2P0312	25
Siemens Schuckertwerke Aktiengesellschaft.	T2P047	70

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General or the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-5748; Filed, June 17, 1947;  
8:50 a. m.]

[Vesting Order 9148]

GEORG BEHRENS

In re: Stock, bonds owned by, and debt owing to Georg Behrens. F-28-4867-A-1. F-28-4867-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Georg Behrens, whose last known address is Scheffelstrasse 32, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany),  
2. That the property described as follows:

a. Three Thousand (3,000) shares of \$15.00 par value common capital stock of Socony-Vacuum Oil Company, Inc., 26 Broadway, New York 4, New York, a corporation organized under the laws of the State of New York, evidenced by the certificates numbered and for the number of shares as set forth below:

Certificate No.	Number of shares
NYM5636	2,000
NYA113271	100
NYA113272	100
NYA113273	100
NYA113274	100
NYA113275	100
NYA113276	100
NYA113277	100
NYA113278	100
NYA113279	100
NYA113280	100

registered in the name of Georg Behrens, and presently in the custody of Socony-Vacuum Oil Company, Inc., 26 Broadway, New York 4, New York, together with all declared and unpaid dividends thereon,

b. Five Hundred (500) shares of no par value share warrants of Imperial Oil Ltd., 56 Church Street, Toronto, Canada, a corporation organized under the laws of Canada, evidenced by the certificates numbered and for the number of shares as set forth below:

Certificate No.	Number of shares
H21094	25
H21095	25
H47840	25
H23579	25
H48105	25
K17376	100
G20366	10
G20371	10
G42039	10
G42040	10
G42071	10
H13586	25
H19768	25
K11130	100
H23303	25
H23303	25
E12651	5
G25346	10
G42438	10

in bearer form and presently in the custody of Socony-Vacuum Oil Co., Inc., 26 Broadway, New York 4, New York, together with all declared and unpaid dividends thereon,

c. Five (5) Commonwealth of Australia External Loan of 1925, 30 year 5% gold bonds, of \$5,000.00 aggregate face value, bearing the numbers M28767; M26399; M21232; M19098 and M6612 of \$1,000.00 par value each in bearer form, presently in the custody of Socony-Vacuum Oil Company, Inc., 26 Broadway, New York 4, New York, together with any and all rights thereunder and thereto,

d. Four (4) Dominion of Canada 3¼% bonds of \$4,000.00 aggregate face value, bearing the numbers E14316; E14317; E14318 and E27224 of \$1,000.00 par value each, in bearer form, presently in the custody of Socony-Vacuum Oil Company, Inc., 26 Broadway, New York 4, New York, together with any and all rights thereunder and thereto, and

e. That certain debt or other obligation owing to Georg Behrens, by Socony-Vacuum Oil Company, Inc., 26 Broadway, New York 4, New York, in the amount of \$17,762.21, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General,

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-5749; Filed, June 17, 1947;  
8:51 a. m.]

[Vesting Order 9183]

BERNHARD BUCK

In re: Estate of Bernhard Buck, deceased. D-28-11010; E. T. sec. 15405.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Buckstege, Anna Schrowangen, Sofie Fassbender, Resi Silberkuhle and Marie Schnitzler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Bernhard Buck, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by the Clerk of Circuit Court of Vigo County, Terre Haute, Indiana, as depository, acting under the judicial supervision of the Circuit Court of Vigo County, Terre Haute, Indiana;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General,

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-5751; Filed, June 17, 1947;  
8:51 a. m.]

[Vesting Order 9185]

EDWARD J. DAUBER

In re: Estate of Edward J. Dauber, deceased. File D-28-11534; E. T. sec. 15730.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Henry Dauber, Mary Ann Dauber and Henry S. Hess, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the surviving issue, names unknown, of William Henry Dauber, the surviving issue, names unknown, of Mary

Ann Dauber and the surviving issue, names unknown, of Henry S. Hess, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Edward J. Dauber, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

4. That such property is in the process of administration by Walter Grasser, as Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the surviving issue, names unknown, of William Henry Dauber, the surviving issue, names unknown, of Mary Ann Dauber and the surviving issue, names unknown, of Henry S. Hess are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General,

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-5752; Filed, June 17, 1947;  
8:53 a. m.]

[Vesting Order 9183]

ANNA M. GREINER

In re: Estate of Anna M. Greiner, deceased. File No. D-28-10655; E. T. sec. 15007.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Raap (nee Stumpf), Lena Schedel (nee Stumpf) and Margareta Stumpf, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany).

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Anna M. Greiner, deceased, is property

payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Peter Greiner and Woodrow Greiner, as Co-Administrators, C. T. A., acting under the judicial supervision of the Middlesex County Orphans' Court, New Brunswick, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such person be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-5753; Filed, June 17, 1947;  
8:53 a. m.]

[Vesting Order 9189]

ALBERT GRUENLER

In re: Estate of Albert Gruenler, a/k/a Albert Gruenler, deceased. File No. D-28-11192; E. T. sec. 15572.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Grunler, Otto Grunler, Arno Grunler, Anna Einfinger, Olga Herold, Gerda Lammer, Edith Suttner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of Albert Gruenler, a/k/a Albert Grunler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by Frank Gruenler, as Administrator, acting under the judicial supervision of the Surrogate's Court, Passaic County, Paterson, New Jersey;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States

requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-5754; Filed, June 17, 1947;  
8:53 a. m.]

[Vesting Order 9193]

ADAM C. KIRCHNER

In re: Estate of Adam C. Kirchner, also known as Adam Christoph Kirchner and A. C. Kirchner and Adam Christopher Kirchner, deceased. File D-28-11133; E. T. sec. 15551.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marianne Asslander, Rosine Asslander, and Oldest daughter, name unknown, of decedent's predeceased sister, Anna Kirchner — last name unknown, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof and to the Estate of Adam C. Kirchner, also known as Adam Christoph Kirchner, and A. C. Kirchner, Adam Christopher Kirchner, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Albert E. Hill, Administrator C. T. A., acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Alameda;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-5755; Filed, June 17, 1947;  
8:53 a. m.]

[Vesting Order 9194]

SEFTL MACHLES

In re: Estate of Seftel Machles, a/k/a Samuel Machles, deceased. File No. D-57-457; E. T. sec. 15679.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Schae Machles, Leon Machles, and Molca Tercotni, whose last known address is Roumania, are residents of Roumania and nationals of a designated enemy country (Roumania),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of Seftel Machles, a/k/a Samuel Machles, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Roumania),

3. That such property is in the process of administration by Harry Jacobs, as Executor and Trustee, acting under the judicial supervision of the Atlantic County Orphans' Court, Atlantic County Court House, New Jersey;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Roumania)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-5710; Filed, June 16, 1947;  
8:53 a. m.]